

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.21909 OF 2005

DATED 06.10.2005

BETWEEN:

Boya Chinna Naganna, S/o Eellappa

And others.

... Petitioners

and

The Commissioner, Panchayat Raj and Rural Development,
Government of A.P., Hyderabad.

... Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.21909 OF 2005

ORDER:

The petitioners are residents of Joharapuram village, Aspiri Mandal in Kurnool District. They seek a writ of Mandamus directing the respondents not to proceed with the construction of septic latrines in the place of existing community dry latrines and for a further direction to construct the same in the land donated by the first petitioner or any other place with proper hygiene and sanitation in the village.

It is the case of the petitioners that first respondent issued Memo dated 19.08.2005 prohibiting scavenging activity in the village. The officials held meeting with the villagers as a result of which the second respondent issued a circular to demolish the dry latrines and to construct wet/septic latrines on priority basis. On coming to know the same, the first petitioner offered to donate land and accordingly gave an undertaking in the meeting called by the fourth respondent. However, the respondents are now taking steps to construct septic latrines in the place where the dry latrines used to exist which would cause health hazards to the residents of the village. Therefore, the present writ petition is filed.

The learned counsel for the petitioners, Smt.Sesha Rajyam, has placed before this Court an unregistered document allegedly executed by the first petitioner promising to donate Acs.0.01. She would submit that having agreed in the meeting, the fourth respondent cannot now be permitted to allow the construction of septic latrines in the same place where the public dry latrines existed. She, therefore, prays this Court to direct the fourth respondent to inspect the area and take a decision.

At the stage of admission itself, the learned standing counsel for Panchayats, Sri Upendra Reddy, submits that the first petitioner has not so far donated any land for the purpose, that the Mandal Parishad Development Officer, fourth respondent, after inspecting the village has taken a decision to construct septic latrines and the work is already completed to the extent of eighty per cent.

After giving due consideration of the matter, this Court is of considered opinion that the issue raised herein is not a matter which has adjudicative disposition. Even according to the petitioner's counsel, there is no proper registered document under which the first petitioner donated the land. Secondly, the place where septic latrines should be constructed is a matter, which has to be decided by the authorities entrusted with the functions and in the absence of any material; this question cannot be decided in a writ petition.

The writ petition is devoid of any merit and is accordingly dismissed. No costs.

(V.V.S.RAO,J)

06.10.2005.

pln